

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
DIRECTV, Inc.	)	File No. SAT-STA-20030611-00114
	)	File No. SAT-STA-20030625-00119
	)	
Request for Special Temporary Authority	)	
To Move and Operate Direct Broadcast	)	
Satellites to the 110° W.L. and to the 101° W.L.	)	
	)	
	)	

**ORDER**

Adopted: July 2, 2003

Released: July 2, 2003

By the Chief, Satellite Division:

1. By this Order, we grant DIRECTV, Inc.'s (DIRECTV) request for special temporary authority (STA) to drift the DIRECTV 6 satellite from the 119° W.L. orbit location to the 110° W.L. orbit location, to drift the DIRECTV 1 satellite from the 110° W.L. orbit location to the 101° W.L. orbit location and to operate each satellite at its new location, subject to certain conditions. Granting this application will promote efficient use of the available radio spectrum and will enhance direct broadcast satellite (DBS) service to DIRECTV's customers.

2. In the application before us, DIRECTV states that the primary purpose of the STA is to enhance DIRECTV's DBS service to the State of Hawaii and to provide high-definition television (HDTV) programming channels.<sup>1</sup> DIRECTV represents that this action will not cause harmful interference to any other DBS operator.

3. No party formally opposed DIRECTV's STA request. The National Rural Telecommunications Cooperative (NRTC), however, filed comments to clarify certain facts relating to DIRECTV's request for STA to move DIRECTV 6 to the 110° W.L. and DIRECTV 1 to the 101° W.L. orbit locations, respectively.<sup>2</sup> NRTC requests that any Commission action in

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<sup>1</sup> See Letter from James R. Butterworth, Senior Vice President, Communications Systems, DIRECTV, Inc., to Jennifer M. Gilsean, Chief, Satellite Branch, Federal Communications Commission (dated June 11, 2003) and Letter from James H. Barker, Counsel for DIRECTV, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (dated June 25, 2003).

<sup>2</sup> See Letter from Jack Richards, Counsel for NRTC, to Jennifer M. Gilsean, Chief, Satellite Branch, Federal Communications Commission (dated June 17, 2003) and *see Ex Parte* Letter from Jack Richards, Counsel for NRTC, to Jennifer M. Gilsean, Chief, Satellite Branch, Federal Communications Commission (dated June 25, 2003).

response to the STA should be without prejudice to any appropriate enforcement action against DIRECTV in connection with a Petition for Administrative Sanctions filed by the State of Hawaii for failure to comply with the Commission's geographic service rules, 47 C.F.R. § 25.148(c).<sup>3</sup>

4. Upon review, we find that grant of DIRECTV's request for STA will serve the public interest by providing for efficient use of the geostationary satellite orbit and spectrum by providing U.S. consumers with HDTV programming. Moreover, DIRECTV is moving two of its authorized satellites from assigned locations to other assigned locations. The Commission has granted requests by satellite operators to move their satellite resources to their other authorized orbit locations subject to certain conditions, including operation consistent with any coordination agreements associated with the particular orbit location and frequency band.<sup>4</sup> In addition, the move of DIRECTV 6 and DIRECTV 1, and operation on a temporary basis, does not present any significant interference problems.

5. Accordingly, pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we grant DIRECTV Inc.'s request to drift DIRECTV 6 from 119° W.L. to 110° W.L. and operate it at 110° W.L. for a period of 30 days. We also grant DIRECTV Inc.'s request to drift DIRECTV 1 from 110° W.L. to 101° W.L. and operate at 101° W.L. for a period of 30 days. The applications for Special Temporary Authority filed by DIRECTV, Inc. (File No. SAT-STA-20030611-00114 and File No. SAT-STA-20030625-00119) are GRANTED.

6. IT IS FURTHER ORDERED that this grant is without prejudice to any action the Commission may take on DIRECTV Inc.'s pending modification request.<sup>5</sup>

7. IT IS FURTHER ORDERED that DIRECTV Inc. is authorized to drift DIRECTV 6 from 119° W.L. to the 110° W.L. orbit location and DIRECTV 1 from 110° W.L. to the 101° W.L. orbit locations subject to the following conditions:

- a) During the drift of DIRECTV 6 from 119° W.L. to 110° W.L. and DIRECTV 1 from 110° W.L. to 101° W.L., DIRECTV Inc. shall not operate the communications payload on DIRECTV 6 and DIRECTV 1; and
- b) DIRECTV, Inc. shall coordinate its telemetry, tracking, and control (TT&C) operations with existing geostationary satellites to ensure that no unacceptable interference results from its TT&C operations during its drift operations.

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<sup>3</sup> See Petition for Administrative Sanctions of the State of Hawaii, filed February 6, 2003, *see* MB Docket No. 03-82.

<sup>4</sup> See *e.g.* *In the Matter of EchoStar Satellite Corporation Application for Authority to Make Minor Modification of Direct Broadcast Satellite*, Order and Authorization, DA 03-1263 (released April 25, 2003).

<sup>5</sup> See *In the Matter of Application of DIRECTV Enterprises, LLC for Minor Modification of its DBS System and for Authorization to Relocate and Operate its DIRECTV 6 and DIRECTV 1 Satellites*, File No. SAT-MOD-20030613-00119 and File No. SAT-MOD-20030613-00120 (filed June 13, 2003)

8. IT IS FURTHER ORDERED that DIRECTV, Inc.'s operation of its DIRECTV 6 and DIRECTV 1 satellites at the 110° W.L. and 101° W.L. orbit locations, respectively, shall not cause harmful interference to any other lawfully operated radio station and DIRECTV shall cease operations immediately upon notification of such interference.

9. IT IS FURTHER ORDERED that DIRECTV, Inc. shall not claim protection from interference from any other lawfully operated radio stations with respect to its operations at the 110° W.L. and 101° W.L. orbit locations.

10. IT IS FURTHER ORDERED that DIRECTV, Inc. submit the appropriate Appendix 30 and 30A information that is to be provided to the International Telecommunication Union for modification of the Region 2 Broadcasting Satellite Service Plan and its associated Feeder Link Plan.

11. IT IS FURTHER ORDERED that DIRECTV, Inc. must inform its customers, in writing, that services from DIRECTV 6 at the 110° W.L. orbit location and services from DIRECTV 1 at the 101° W.L. orbit location are being provided pursuant to a grant of temporary authority that will expire on August 1, 2003.

12. IT IS FURTHER ORDERED that this grant is without prejudice to the outcome of the Petition for Administrative Sanctions of the State of Hawaii, filed February 6, 2003; Request for Declaratory Ruling on DBS Service to Alaska from 101° W.L., filed March 19, 2003 and Request for Declaratory Ruling on DBS Service to Hawaii from 101° W.L., Microcom, filed March 19, 2003, *see* MB Docket No. 03-82.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz  
Chief  
Satellite Division  
International Bureau